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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,036	12/28/2004	Mark Donaldson	21964.27900	9377 .
7590 05/16/2007 Brouse McDowell			EXAMINER	
Suite 500	. •	MEI, XU		
388 South Main Street Akron, OH 44311-4407			ART UNIT	PAPER NUMBER
			2615	
			MAIL DATE	DELIVERY MODE
			05/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be tending field if 11 No period to regly is specified down, the maximum statistry period will again and will support the time field of the statistics period will apply and will expire XIV (MONTHS from the mailing date of this communication. Failure to regly within the set or extended preside for regly will by statistics period will apply and will expire XIV (MONTHS from the mailing date of this communication to become ABANDONED (33 U.S.C. § 133). Any trayer received by the Citics that there are willing date of this communication, even if timely field, may reduce any exercise parent term alphitament. Sea 3 °C FR 1.74(s). ### Responsive to communication(s) filed on 22/28/2007. ### Responsive to communication(s) filed on 22/28/2007. ### Responsive to communication in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ### Disposition of Claims ### Alpha Claim(s) 1.6 and 9.11 is/are pending in the application. ### Alpha Claim(s) 1.6 and 9.11 is/are repected. ### Claim(s) 1.6 and 9 is/are allowed. ### Claim(s) 1.6 and			Application No.	Applicant(s)			
Examiner	Office Action Summary						
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date	 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:	1) Notice	e of References Cited (PTO-892)	Paper No(s)/Mail Da 5) Notice of Informal Pa	te			

DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 02/28/2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by McIntosh (US-6278786).

Regarding claims 10-11, McIntosh discloses an active noise cancellation headset system. McIntosh's disclosure comprises a method of allowing a plurality of headphones having different acoustic properties to provide noise cancellation with a noise cancellation circuit operable over a predetermined phase range of noise cancellation input signals (the noise canceling headset system of McIntosh is capable of use for different headphones with different acoustic properties as shown in Fig. 8), the method including the step of: providing at least one of the headphones with a passive filter (conventional compensation filter H_{comp} in Fig. 3) configured to modify the output of

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a sound transducer (12) associated with the at least one headphone so that the filter provides a noise cancellation input signal for the noise cancellation circuit which is within the predetermined phase range.

Regarding claim 11, see col. 4, line 60-col. 5, line 7 for determining the operating condition of the passive filter based on the monitoring condition of a microphone (18) error signal within the headset, i.e., an acoustic property of a selected headphone as claimed.

Allowable Subject Matter

4. Claims 1-6 and 9 allowed over prior art of record.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6. · Any inquiry concerning this communication or earlier communications from the examiner should be directed

to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can

be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information

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Primary Examiner Art Unit 2615

05/04/2007